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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,497	02/10/2004	Ji-hong Lee	1793.1141	8903
21171	7590	03/24/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				EDUN, MOHAMMAD N
		ART UNIT		PAPER NUMBER
		2655		

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/774,497	LEE ET AL.
	Examiner	Art Unit
	MUHAMMAD N EDUN	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4-7, 11-14 and 18-23 is/are allowed.
- 6) Claim(s) 1, 2, 8, 9, 15 and 16 is/are rejected.
- 7) Claim(s) 3, 10 and 17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukishashi (6,496,458).

Tsukishashi discloses the invention as claimed. Fig. 1 show the method and apparatus for controlling the recording speed of an optical disc recording system having: the section for detecting error information with respect to a level of a servo control signal of the optical disc recording system (see elements 22, 25 and 28 for detecting and judging the errors in comparison with a predetermined number based on the reproduced information and the servo control section 21, relating to the rotational speed and recording speed, see column 4, lines 1-61); and adjusting the recording speed of the optical recording system with the reference to the detected error information (see column 4, lines 20-31), as set forth in claims 1, 2, 8, 9, 15 and 16. See the description of figure 1 for further details relating to the limitations as set forth in the claims.

Allowable Subject Matter

Claims 4-7, 11-14 and 18-23 are allowed.

Claims 3, 10 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record alone or in combination does not teach or suggest the method and apparatus of claims 1, 8 and 15, having the further limitations as set forth in claims 3, 10 and 17, and as disclosed in the specification.

Further the prior art of record alone or in combination does not teach the method and apparatus having the combination of steps and elements with their recited process, structure, function and arrangement, along with the specific process and structure of the sections for detecting the abnormal ATIP sync, as set forth in claims 4-7, 11-14, 18-21 and 23, and the section for adjusting the recording speed with reference to the tracking error signal, as set forth in claim 22, and as disclosed in the specification.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Choi (6,570,831) and Takeshita (6,556,524), both disclose an optical disk recording and reproducing apparatus having the ability of adjusting the recording speed of the apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N EDUN whose telephone number is 571-272-7617. The examiner can normally be reached on FLEXITIME.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MUHAMMAD N EDUN
Primary Examiner
Art Unit 2655